IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Kaihu Chen, et al.
Serial No.:	10/066,037
Filing Date:	January 31, 2002
Art Unit:	2173
Examiner:	Namitha Pillai
Confirmation No.:	3955
Title:	SYSTEM AND METHOD FOR DEFINING AND PRESENTING A COMPOSITE WEB PAGE

Mail Stop Notice of Appeal
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The following Pre-Appeal Brief Request for Review is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal. Appellants respectfully request reconsideration of the Application in light of the remarks set forth below.

In the prosecution of the present Application, the PTO's rejections and assertions contain clear errors of law. Most notable of the legal errors present in the examination of the Application is a failure of the Final Office Action dated March 10, 2011 (the *"Office Action"*), to establish prima facie rejections of Appellants' pending claims. Appellants respectfully seek review of the rejections of independent Claims 1, 9, 14, 15, 16, and 17. Appellant does not currently seek review of Claims 2-8, 10-14, 18, 20, 22, 24, 26, 28, 30, and 32.

The Rejections of Claims 1, 9, and 14-17 under 35 U.S.C. § 102(e) are Improper

Independent Claims 1, 9, and 14-17 stand under 35 U.S.C. § 102(e) as being unpatentable over *Silva*. Appellants respectfully submit, however, that the rejection of the claims is improper at least because *Silva* does not disclose, teach, or suggest each and every element recited in Appellants' claims.

For example, independent Claim 1 of the present Application recites:

> A method for defining a composite web page, comprising:
> identifying a web page;
> analyzing the web page to determine a list of HTML tags, each HTML tag corresponding to a particular portion of the content of the identified web page;
> presenting the determined list of HTML tags to a user in a navigation pane of a first computer, the navigation pane presenting the determined list of HTML tags in the form of a tree structure that provides a visual representation of relationships between the HTML tags corresponding to particular portions of the content of the identified web page, the navigation pane operable to allow the user to view and select one or more of the HTML tags corresponding to particular portions of the content of the identified web page from the determined list of HTML tags;
> *receiving, from the first computer, a user selection of at least one HTML tag* from the determined list of HTML tags in the form of the tree structure;
> in response to receiving the user selection of the at least one HTML tag, presenting, in a preview pane, the particular portion of the content of the identified web page corresponding to the at least one selected HTML tag from the determined list of HTML tags, the preview pane operable to allow the user to visually verify the user selection;
> registering the user selection of the at least one HTML tag from the determined list of HTML tags; and
> rendering the identified portion of content corresponding to the at least one HTML tag to form the composite web page for display *on a second computer, the placement of the identified portion of content on the composite web page determined automatically, at the time of rendering and when the composite webpage is requested, based on one or more run-time variables comprising the dimensions of a window to display the composite web page on the second computer.*

Thus, Applicants' claim recites that the placement of the content on the web page is determined automatically, at the time of rendering and when the composite webpage is requested, based on one or more run-time variables including the dimensions of a window to

<u>display the composite web page</u> on the second computer. *Silva* does not disclose, either expressly or inherently, this combination of claim elements. Certainly, *Silva* does not disclose all of the limitations arranged or combined in the same way as recited in Applicants' Claim 1.[1]

Rather, with respect to the design of the Web view, *Silva* describes that *the user* uses a web clipping manager to specify the layout of information content. (*Silva*, Column 8, line 22 through Column 9, line 15, emphasis added). *Silva* describes:

> Once the Web Clipping manager has created the extraction script and the refresh frequency has been specified together with an optional notification mechanism, the layout of the clipping *may need to be specified* if it contains more than one element from a source page. Further, the layout of the clipping with respect to the entire Web view may be *specified such as by specifying the size of the frame that the clipping should occupy, the X, Y coordinates* of where the information within the clipping is to be placed and other options such as, for example, whether or not the clipping is scrollable. A default layout can also be specified in which case the system will place the Web clipping in the Web view according to how the system determines them to be best placed. The layout may also be specified by a point-and-click-and-drag interface, where *users visually manipulate frames* corresponding to Web clippings, to resize them, and place them at a desired position within the Web view window.

(*Silva*, Column 8, line 66 through Column 9, line 15, emphasis added). *Silva* then discloses that "[a]ll the information that has been inputted by the user that defines the individual Web clippings and the composite Web view is stored as a Web view in a Web views database 212 . . ." (*Silva*, Column 9, lines 18-22; Column 9, lines 40-55; Column 10, lines 14-19). Thus, *Silva* makes clear that <u>the user inputs the size to be used for the clipping</u> and the X, Y coordinates for where the clipping should be placed. In the instance where the user does not input such information and, thus, a layout tag is not included, *Silva* merely discloses that "default layout settings will be used for that clipping." (*Silva*; Column 9, lines 52, 56, and 61; Column 10, lines 41-44). With regard to the default layout, *Silva* only generally discloses that "the system will place the Web clipping in the Web view according to how the system determines them to be best placed." (*Silva*, Column 9, lines 9-11).

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[1] In *Net Moneyin*, the Federal Circuit held that a finding of anticipation under 35 U.S.C. § 102 is proper only when a "reference discloses within the four corners of the document not only all of the limitations claimed but also *all of the limitations arranged or combined in the same way* as recited in the claim." *Net Moneyin, Inc. v. Verisign, Inc.*, 2008 WL 4614511 at 10 (Fed. Cir. 2008)(emphasis added).

Thus, *Silva* discloses that the user can specify the layout in advance of a rendering of the web view or default settings will be used. At most, *Silva* discloses that the system may determine the "best placement" for the clippings. (*Silva*, Column 9, lines 9-11). Contrary to the Examiner's assertion (*Office Action*, page 12), however, there is absolutely no disclosure in *Silva* of using the dimensions of the window on which the web view is to be rendered to determine placement.

Appellants note the Examiner's statement that the "placement of the view is based on the dimensions including the width and layout of the data which when executed become run-time variables." (*Office Action*, page 12). However, even if the dimensions of the data are used in the system of *Silva* to determine the placement of the clipping, using the dimensions of the **data** is not analogous to using the "dimensions of the window" of the computer on which the view will be rendered. Accordingly, Appellants respectfully submit that *Silva* does not disclose, teach, or suggest "rendering the identified portion of content . . . the placement of the identified portion of content on the composite web page determined ***automatically***, at the ***time of rendering*** and when the composite webpage is requested, ***based on one or more run-time variables comprising the dimensions of a window to display the composite web page*** on the second computer," as recited in Claim 1.
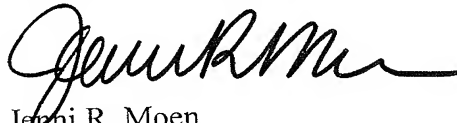
For at least this reason, *Silva* fails to disclose each and every limitation recited in Appellants' Claim 1. Independent Claims 9 and 14-17 include elements that, for reasons substantially similar to those discussed above with respect to Claim 1, are not disclosed, taught, or suggested by *Silva*. Accordingly, Appellants respectfully request reconsideration and allowance of independent Claims 1, 9, and 14-17.

CONCLUSION

Appellants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Appellants respectfully request full allowance of all pending Claims.

Appellants believe no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: May 10, 2011

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